

IN RE: PETITION FOR VARIANCE
N/S Broadway Rd., 850' W of Falls Rd.
(1111 Broadway Road)
8th Election District
3rd Councilmanic District

James R. Wetzel, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY

* Case No. 95-129-A

*

* * * * *

AMENDED ORDER

WHEREAS, this matter came before the Deputy Zoning Commissioner as a Petition for Variance filed by the above-captioned owners seeking relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 25 feet each in lieu of the required 50 feet for a proposed dwelling, in accordance with the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

By Order issued November 21, 1994, relief was granted for a side yard setback of 25 feet for only the east side of the property. Apparently, although the site plan clearly shows that a 25-foot setback will be maintained on both sides of the proposed dwelling, the Petition as filed indicated only one side setback of 25 feet was necessary.

Subsequent to the issuance of said Order, the Petitioner advised this office that a variance was needed on both sides of the property and requested a modification of the Order to approve same. There being no Protestants in the matter and no adverse comments from any Baltimore County reviewing agency, it appears that an amended Order is appropriate.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 22nd day of December, 1994 that the Order issued November 21, 1994 be and is hereby AMENDED to grant a side yard setback of


ORIGINAL DEPOSITED FOR FILING
12/22/94
By [Signature]

MICROFILMED

Petition for Variance in Case No. 95-129-A
James R. Wetzel, et ux
Page 2

25 feet on both the east and west sides of the subject property, in accordance with Petitioner's Exhibit 1, and,

IT IS FURTHER ORDERED that all other terms and conditions of the Order issued November 21, 1994 have been incorporated herein and shall remain in full force and effect.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Newton A. Williams, Esquire, Nolan, Plumhoff & Williams
210 W. Pennsylvania Avenue, Suite 700, Towson, Md. 21204-5340

Mr. James R. Wetzel
118 Midhurst Road, Baltimore, Md. 21212

People's Counsel; File

ORDER RECEIVED FOR FILING

Date

By

IN RE: PETITION FOR VARIANCE * BEFORE THE
 N/S Broadway Rd., 850' W of Falls Rd.
 (1111 Broadway Road) * DEPUTY ZONING COMMISSIONER
 8th Election District * OF BALTIMORE COUNTY
 3rd Councilmanic District *
 James R. Wetzel, et ux * Case No. 95-129-A
 Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 1111 Broadway Road, located in the Lutherville area of northern Baltimore County. The Petition was filed by the owners of the property, James R. and Martha D. Wetzel, who seek relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an east side yard setback of 25 feet in lieu of the required 50 feet for a proposed dwelling. The subject property and relief sought are more particularly described on the site plan submitted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were James R. Wetzel, property owner, Rich Polan, Architect, and Newton A. Williams, Esquire, attorney for the Petitioners. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 2.15 acres zoned R.C. 5 and is presently unimproved. The Petitioners are desirous of developing the property with a 1.5 story dwelling in accordance with the site plan submitted as Petitioner's Exhibit 1. Testimony revealed that the property is rectangular in shape and fairly narrow with a width of 150 feet and a depth of 655 feet. Mr. Wetzel engaged the architectural services of Mr. Rich Polan to design a home specifically for this lot. The estimated total cost of the proposed home and

ORDER RECEIVED FOR FILING
 Date 11/21/94
 By [Signature]

landscaping for the lot will be close to \$450,000. Because of the narrow configuration of the property and the required 50-foot setbacks in this particular zone, the requested variance is necessary in order to proceed as proposed. Further testimony revealed that there is a row of mature pine trees along the eastern property line which will act as a buffer between the proposed dwelling and the home of John and Dorothy Tracey on the affected side of the adjoining property.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

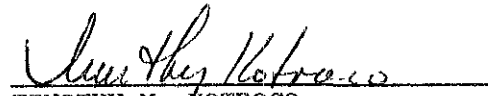
After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or struc-

ture which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 27th day of November, 1994 that the Petition for Variance seeking relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 25 feet in lieu of the required 50 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 11/21/94
By [Signature]

MICROFILMED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

November 21, 1994

Mr. James R. Wetzel
118 Midhurst Road
Baltimore, Maryland 21212

RE: PETITION FOR VARIANCE
N/S Broadway Rd., 850' W of Falls Rd.
(1111 Broadway Road)
8th Election District - 3rd Councilmanic District
James R. Wetzel, et ux - Petitioners
Case No. 95-129-A

Dear Mr. Wetzel:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

✓
File





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1111 Broadway Road, Lutherville, MD 21093

A/K/A 850 W. Falls Rd., 2.255 AC SS Broadway

which is presently zoned

RC5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A04.3 B.3. Building setbacks.

The Petitioners request a 25 foot side yard setback in lieu of the required 50 foot side yard setback [Bill No. 98, 1985]

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

See letter attached.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

James R. Wetzel

(Type or Print Name)

Signature

Martha D. Wetzel

(Type or Print Name)

Signature

118 Midhurst Road

Address

377-9641 (h)

339-7400 (w)

Phone No

Baltimore, MD 21212

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

SPA

DATE

10-6-94

ORDER RECEIVED FOR FILING

Date

By

Printed with Soybean ink
on Recycled Paper



130

JAMES R. WETZEL
118 Midhurst Road
Baltimore, Maryland 21212

October 3, 1994

Zoning Commissioner of Baltimore County
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Sir:

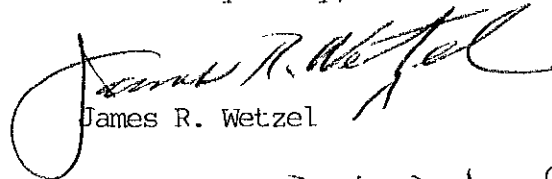
RE: 1111 Broadway Road
Lutherville, Maryland 21093


This rectangularly shaped lot is 150 feet wide and 655 feet deep. It fronts on Broadway Road and is similar in shape and frontage to the lots adjacent on each side. Each of the adjacent lots are developed with single-family detached homes. Neither of the adjacent homes are setback 50 feet from our mutual side property lines.

The existing 50 foot setback requirement would leave us only 50 feet of buildable lot space and thus, 2/3 of our lot is unavailable to us for planning and building a home of the size and quality that would be in keeping with the neighboring homes in this area.

We purchased this lot for the full \$139,000 asking price from Mr. & Mrs. John Tracey, owners of 1109 Broadway Road. Both the Tracey's and our adjacent neighbors on the west side of our lot are aware of our Petition and have no objection, as you will note from their letters attached. We, therefore, respectfully request that our petition be granted.

Yours very truly,


James R. Wetzel


Martha D. Wetzel

JRW:kw
Enc.
jrw9291

ZONING DESCRIPTION

Zoning Description for #1111 Broadway Road. Beginning at a point on the north side of Broadway Road which is 60'-0" (assumed) wide at the distance of 800'-0" west of Falls Road

S 86 degrees 00 minutes E 150'

S 04 degrees 00 minutes W 655'

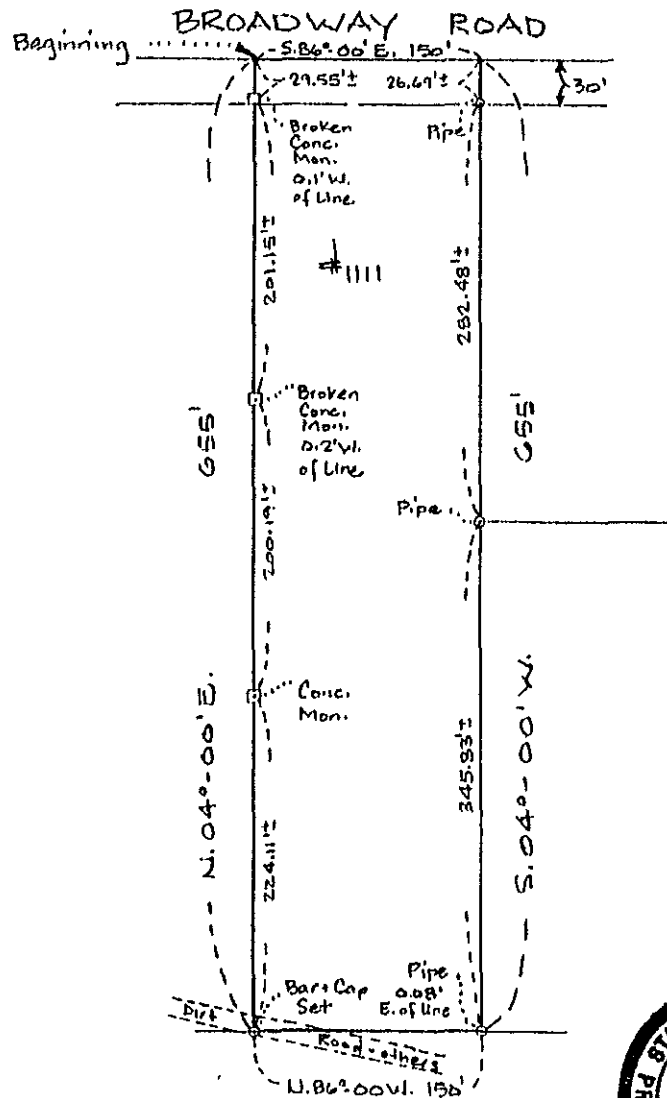
N 86 degrees 00 minutes W 150'

N 04 degrees 00 minutes E 655'

As Recorded in Deed Liber EHK Jr. 6514, Folio 29. Subject Property containing 2.15 Acres being known as #1111 Broadway Road, located in the 8th Election District, 3rd Councilmanic District-- Survey Plat On Reverse Side.

MICROFILMED

130



Note: Monuments & Pipes shown were recovered by GERHOLD, CROSS & ETZEL on May 5, 1994

8th Election District

GERHOLD, CROSS & ETZEL REGISTERED PROFESSIONAL LAND SURVEYORS Suite 100 320 East Towsontown Boulevard Towson, Maryland 21286 PH: (410)823-4470 FAX: (410)823-4473		#1111 BROADWAY ROAD Liber E.H.K., Jr. 6514 Folio 29, 2nd Parcel BALTIMORE COUNTY, MARYLAND	
FIELD WORK: GTL	DRAWN: PS	DATE: 6-16-94	SCALE: 1"=100'

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-129-A

District 8th Date of Posting 10/21/94

Posted for: Voriano

Petitioner: James & Martha Witzel

Location of property: 1111 Broadway Rd, N/S

Location of Signs: Facing road way, on property being zoned

Remarks: _____

Posted by M. L. L. L. Date of return: 10/28/94
Signature

Number of Signs: _____



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue.

Towson, Maryland 21204 as follows:

Case Number:
95-129-A (Item 130)
1111 Broadway Road a/k/a
850 West Falls Road
N/S Broadway Road, 800'
W of Falls Road; a/k/a
850 West Falls Road
8th Election District
3rd Councilmanic District

Legal Owner:
James R. Wetzel &
Martha D. Wetzel
HEARING: WEDNESDAY,
NOVEMBER 9, 1994 at
9:00 a.m. in Rm. 118, Old
Courthouse.

Variance: for a 25-foot side yard setback in lieu of the required 50-foot side yard setback.

LAWRENCE E. SCHMIDT,
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped accessible; for special accommodations Please Call 887-3353.

(2) For information concerning the File and/or Hearing, Please Call 887-3391.

10/226 October 20.

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

Oct 20, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Oct. 20, 1994.

THE JEFFERSONIAN,

A. Henickson

LEGAL AD PUBLISHED IN TOWSON



Baltimore County
 Zoning Administration &
 Development Management
 111 West Chesapeake Avenue
 Towson, Maryland 21204

receipt

Account: R-001-6150

Number

130

Date

10-4-94. SALES. HANCHA W-TEE
 115 MID HURST. RD.

STAD.

OIO UAL. \$30
 CSO SIBAL \$35

TOTAL \$65

RECEIVED

BALTIMORE COUNTY
 RE-001-6150-01-00

200-001

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 130

Petitioner: James R. and Martha D. Wetzel

Location: 1111 Broadway Road, Lutherville, MD 21093

PLEASE FORWARD ADVERTISING BILL TO:

NAME: James R. Wetzel

ADDRESS: 118 Midhurst Road

Baltimore, MD 21212-2215

PHONE NUMBER: 339-7400

AJ:ggs

(Revised 04/09/93)

130

13

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

OCTOBER 14, 1994

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-129-A (Item 130)

1111 Broadway Road, aka 850 West Falls Road

N/S Broadway Road, 800' W of Falls Road Road; AKA 850 West Falls Road)

8th Election District - 3rd Councilmanic District

Legal Owner: James R. Wetzel & Martha D. Wetzel

HEARING: WEDNESDAY, NOVEMBER 9, 1994 at 9:00 a.m. in Room 118, Old Courthouse.

Variance for a 25-foot side yard setback in lieu of the required 50-foot side yard setback.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: James and Martha Wetzel

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Mr. & Mrs. James R. Wetzel
118 Midhurst Road
Baltimore, Maryland 21212

NOV. 2 1994

RE: Case No. 95-129A, Item No. 130
Petitioner: James & Martha Wetzel

Dear Mr. and Mrs. Wetzel:

The Zoning Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on October 06, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following is related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office:

1. The director of the Office of Zoning Administration and Development Management has instituted a system whereby zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions' filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.
2. Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is the possibility that another hearing will be required or the zoning commissioner will deny the petition due to errors or incompleteness.
3. Those individuals who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72-hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e., 72 hours, will result in the forfeiture loss of the filing fee.

If you have any questions concerning the enclosed comments, please feel free to contact Joyce Watson in the zoning office at 887-3391 or the commenting agency.

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", written over a horizontal line.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jnw

Enclosure(s)

Printed with Soybean Ink
on Recycled Paper



BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: October 24, 1994
Zoning Administration and Development Management

RWB FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for October 24, 1994
Items 125, 126, 127, (130), 132, 134 and 135

The Developers Engineering Section has reviewed
the subject zoning items and we have no comments.

RWB:sw

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

October 20, 1994

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson *JLP*
Development Coordinator, DEPRM

SUBJECT: Zoning Item #130 - Wetzel Property
1111 Broadway Road
Zoning Advisory Committee Meeting of October 17, 1994

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Ground Water Management

Soil percolation tests have been conducted. The existing well must be retested for yield prior to approval of building permit.

JLP:TE:sp

WETZEL/DEPRM/TXTSBP

MICROFILMED

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Zoning Administration and
 Development Management

DATE: October 18, 1994

FROM: Pat Keller, Director
 Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 125, 126, 128, (130) and 135.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Carol L. Kerns

PK/JL:lw

MICROFILMED

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410)887-4880

DATE: 10/19/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF 10/17/94.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 125, 126, 127, 128, 129
130, 131, 133 AND 135.

RECEIVED
OCT 20 1994

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4681, 88-1106F

cc: File

MICROFILMED





Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary

Hal Kassoff
Administrator

10-14-94

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: *¢ 130 (JRA)*

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for

David Ramsey, Acting Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RE: PETITION FOR VARIANCE	*	BEFORE THE
1111 Broadway Road, aka 850 West		
Falls Road, N/S Broadway Road, 800'	*	ZONING COMMISSIONER
W of Falls Road Road; AKA 850 West		
Falls Road, 8th Election District,	*	OF BALTIMORE COUNTY
3rd Councilmanic District		
	*	CASE NO. 95-129-A
James R. Wetzel, et ux.		
Petitioners	*	

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of October, 1994, a copy of the foregoing Entry of Appearance was mailed to James and Martha Wetzel, 118 Midhurst Road, Baltimore, MD 21212, Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

James R. Wetzel
118 Midhurst Road
Baltimore, Maryland 21212

December 1, 1994

Timothy M. Kotroco
Deputy Zoning Commissioner
for Baltimore County
Suite 112 Court House
400 Washington Avenue
Towson, MD 21204

Re: PETITION FOR VARIANCE
N/S Broadway Rd., 850' W of Falls Rd.
(1111 Broadway Road)
8th Election District-3rd Councilmanic District
James R. Wetzel, et ux - Petitioners
Case No. 95-129-A

Dear Commissioner Kotroco:

Thank you for your letter of November 21, 1994 enclosing the Order in connection with our Petition.

Although the Order appears to grant the relief sought in our Petition; namely, a 25' side yard setback on each side of our property in lieu of the required 50' setback, some of the language in the Order appears to indicate that only the eastern side of our property is granted the requested relief.

We are desirous of making sure that the Order is clear so we will not run into any problems when seeking a building permit. To facilitate your review of our concerns, we attach a copy of the Order with the three areas of concern highlighted in yellow and our suggested corrections.

We look forward to your response at your earliest convenience.

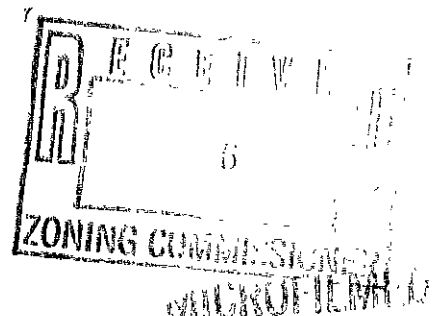
Yours very truly,


James R. Wetzel

JRW:mjb
Enclosure

cc: People's Counsel For Baltimore County
Room 47 Court House
400 Washington Avenue
Towson, MD 21204 w/enclosure

cc: Newton A. Williams, Esquire
Nolan, Plumbhoff & Williams
Suite 700, Court Towers
210 West Pennsylvania Avenue
Towson, MD 21204-5340 w/enclosure



1211 Broadway Road
Lutherville, MD 21093

September 24, 1994

Zoning Commissioner of Baltimore County
111 W. Chesapeake Avenue
Towson, MD 21204

Re: 1111 Broadway Road
Lutherville, MD 21093

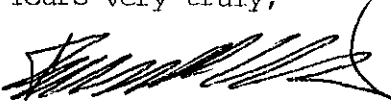
Dear Sir:

We are the owners of 1211 Broadway Road. Our property is immediately adjacent to the west side of the subject property.

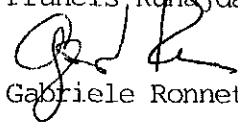
We are aware that the owners of the subject property, Mr. & Mrs. James R. Wetzel, are seeking a variance from the 50 foot side yard set-back requirement of RC 5 Zoning to allow them to build their new home to within 25 feet of our mutual property line.

Please be advised that we have no objection to your granting their request.

Yours very truly,



Francis Kuhajda, M.D.



Gabriele Ronnett Kuhajda

REFERENCE
ZONING VARIANCE
92-440-A

ENCLOSURE

1925 Blue Mont Road
Monkton, MD 21111

September 19, 1994

Zoning Commissioner of Baltimore County
111 W. Chesapeake Avenue
Towson, MD 21204

Re: 1111 Broadway Road
Lutherville, MD 21093

Dear Sir:

We are the owners of 1109 Broadway Road. Our property is immediately adjacent to the east side of the subject property.

We are aware that the owners of the subject property, Mr. & Mrs. James R. Wetzel, are seeking a variance from the 50 foot side yard set-back requirement of RC 5 Zoning to allow them to build their new home to within ~~50~~ feet of our mutual property line.

*- 30 ft. thirty feet.
J.F.T.*

Please be advised that we have no objection to your granting their request.

Yours very truly,

John F. Tracey

John F. Tracey

Dorothy M. Tracey

Dorothy M. Tracey

1111 Broadway Road -

Mr. & Mrs. James R. Wetzel

Baltimore County Government
Department of Environmental Protection
and Resource Management



401 Bosley Avenue
Towson, MD 21204

(410) 887-3733

May 17, 1994

Ms. Dorothy Lepley
O'Connor Piper & Flynn
1402 York Road
Lutherville, Maryland 21093

RE: 1111 Broadway Road, D-8

Dear Ms. Lepley:

A representative of this office, Ms. Susan Farinetti, R.S. has reviewed the soil evaluation data on file for the above subject property. Listed below are the results of that review.

Additional soil evaluations will not be required providing there is no alteration to the approved site plan dated 7/8/88 and Building Permit Application/s are submitted within 5 years from the date of this letter. Soil Evaluation results will become void without notice at the expiration of this time period.

Listed below is the original soil evaluation data for this individual lot:

<u>TEST PIT</u>	<u>DRAWDOWN</u>	<u>DEPTH</u>	<u>SOIL</u>
A			
B	3	5	CO-7 LRS 7-16'
C			CO-5 LRS 5-16'
			CO-6 LRS 6-17'

It should be noted that 10,000 sq. ft. is reserved for sewage disposal systems and areas for expansion. Under no circumstances shall any permanent structures, above or below ground, be permitted within this area. Also, no underground electric lines, water pipes, gas lines, etc., shall be permitted in the disposal system area.

Where water wells are to be used as a source of water supply, Article XI, Section 13-118(g), of the Baltimore County Code requires that a well meeting the minimum recovery rate of one gallon per minute be drilled prior to issuance of a Building Permit.

VP: [signature]

130

Page 2

Listed below is a review of available information on any existing well/s:

BLOCK/SECTION:

LOT:

WELL PERMIT NUMBER:

BA81-8600

NAME OF TESTER:

G. Edgar Harr Sons

MOST RECENT YIELD TEST:

11/14/88

PUMP TEST VALID UNTIL:


11/14/91

RETEST REQUIRED:

Yes

If there are any questions regarding the above, please contact Ms. Susan Farinetti at 887-2762.

Very truly yours,

A handwritten signature in cursive script that reads "J. Robert Powell" followed by a stylized flourish.

J. Robert Powell, R.S.
Program Supervisor
GROUND WATER MANAGEMENT

JRP:pj

LEPLEY/DEPRM/TXTSDS/REVAL/rev. 3/93

MICROFILMED

130

BALTIMORE COUNTY

Department of Environmental Protection
and Resource Management

WATER AND SEWER DIVISION
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

July 11, 1988

OLD
N/A

Mr. John F. Tracey
1109 Broadway Road
Timonium, MD 21093

Re: 1111 Broadway Road
Election District 8
Tax Account #08-20-066 476 -

Zone

Dear Mr. Tracey:

A representative of this office, William W. Ensor, Jr., conducted soil evaluations on the above mentioned lot on July 8, 1988. The results are as follows:

TEST PIT	DRAWDOWN	DEPTH	SOIL
A	-	-	Clay 0-7 ft.; Loch Raven Schist 7-16 ft.
B	3 min.	5 ft.	Clay 0-5 ft.; Loch Raven Schist 5-16 ft.
C	-	-	Clay 0-6 ft.; Loch Raven Schist 6-17 ft.

Based on the evaluations and the APPROVED PLOT PLAN dated July 8, 1988, approval will be granted for the installation of a private sewage disposal system. Soil evaluation results will be valid for a period of three years. At the expiration of this period of time, the results will become void without notice to that effect having been given by the approving authority.

It should be noted, there is an area designated on the site plan for the sewage disposal system and expansion thereof. Under no circumstances shall any permanent structures above or below ground, be permitted within this area. Also, no underground electric lines, water pipes, gas lines, etc., shall be permitted in the disposal system area.

Jim and Martina:

Here is a copy of approved
site plan which is on file with
Baltimore County.

Sorothy Apley dropped off
this answer sheet for your
questions.

I will type up an addendum
for ~~the~~ you to sign regarding
the two issues that need to be
in writing. I will drop off the
papers to you over the weekend.

Bird Jim

PRITCHARD'S
EXHIBIT 3A

**O'CONOR
PIPER & FLYNN**
REALTORS

823-611338 (w)
560-1338 (H)

Timonium
Suite A100
22 West Padonia Road
Timonium, Maryland 21093
(410) 252-2111
FAX (410) 560-2825

Dorothy Lepley
OPF Lutherville
1402 York Rd
Lutherville, Md 21093

*Jim -
IMPORTANT TO PLACE
STAKES BY FRIDAY
I will check with EPA
about set back from house.*

May 10, 1994

Dear Dorothy:

* Jim Wetzel was hoping to place the house stakes at the proposed site last Sunday. However, because of the weather, he was not able to do it. However, he promised me today that he will place the two stakes in the ground by Friday, May 13th.

Jim also wants the soil samples to be analyzed by Connors, in order to see if there is any contamination in the ground. He does not anticipate any problems, but just wants to be reassured by an expert.

When you get the paper from Harr with the water yield results, please drop off a copy to me and one for Jim Wetzel. Having a 20 gallon yield is terrific. A lot of people with wells on Falls Road would love to have a yield a 1/10th of that amount.

Thanks for your help.

Bill Love
Bill Love

EXHIBIT 3B

Baltimore County Government
Department of Environmental Protection
and Resource Management



401 Bosley Avenue
Towson, MD 21204

(410) 887-3733

May 17, 1994

Ms. Dorothy Lepley
O'Connor Piper & Flynn
1402 York Road
Lutherville, Maryland 21093

RE: 1111 Broadway Road, D-8

Dear Ms. Lepley:

A representative of this office, Ms. Susan Farinetti, R.S. has reviewed the soil evaluation data on file for the above subject property. Listed below are the results of that review.

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Listed below is the original soil evaluation data for this individual lot:

<u>TEST PIT</u>	<u>DRAWDOWN</u>	<u>DEPTH</u>	<u>SOIL</u>
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It should be noted that 10,000 sq. ft. is reserved for sewage disposal systems and areas for expansion. Under no circumstances shall any permanent structures, above or below ground, be permitted within this area. Also, no underground electric lines, water pipes, gas lines, etc., shall be permitted in the disposal system area.

Where water wells are to be used as a source of water supply, Article XI, Section 13-118(g), of the Baltimore County Code requires that a well meeting the minimum recovery rate of one gallon per minute be drilled prior to issuance of a Building Permit.

EXHIBIT 3C

Page 2

Listed below is a review of available information on any existing well/s:

BLOCK/SECTION:

LOT:

WELL PERMIT NUMBER:

BA81-8600

NAME OF TESTER:

G. Edgar Harr Sons

MOST RECENT YIELD TEST:

11/14/88

PUMP TEST VALID UNTIL:

11/14/91

RETEST REQUIRED:

Yes

If there are any questions regarding the above, please contact Ms. Susan Farinetti at 887-2762.

Very truly yours,

A handwritten signature in cursive script that reads "J. Robert Powell" followed by a slanted line.

J. Robert Powell, R.S.
Program Supervisor
GROUND WATER MANAGEMENT

JRP:pj

LEPLEY/DEPRM/TXTSDS/REVAL/rev. 3/93

BALTIMORE COUNTY

Department of Environmental Protection
and Resource Management

WATER AND SEWER DIVISION

County Courts Building

401 Bosley Avenue

Towson, Maryland 21204

July 11, 1988

Mr. John F. Tracey

1109 Broadway Road

Timonium, MD 21093

Re: 1111 Broadway Road

Election District 8

Tax Account #08-20-066 476 -

Dear Mr. Tracey:

A representative of this office, William W. Ensor, Jr., conducted soil evaluations on the above mentioned lot on July 8, 1988. The results are as follows:

TEST-PIT	DRAWDOWN	DEPTH	SOIL
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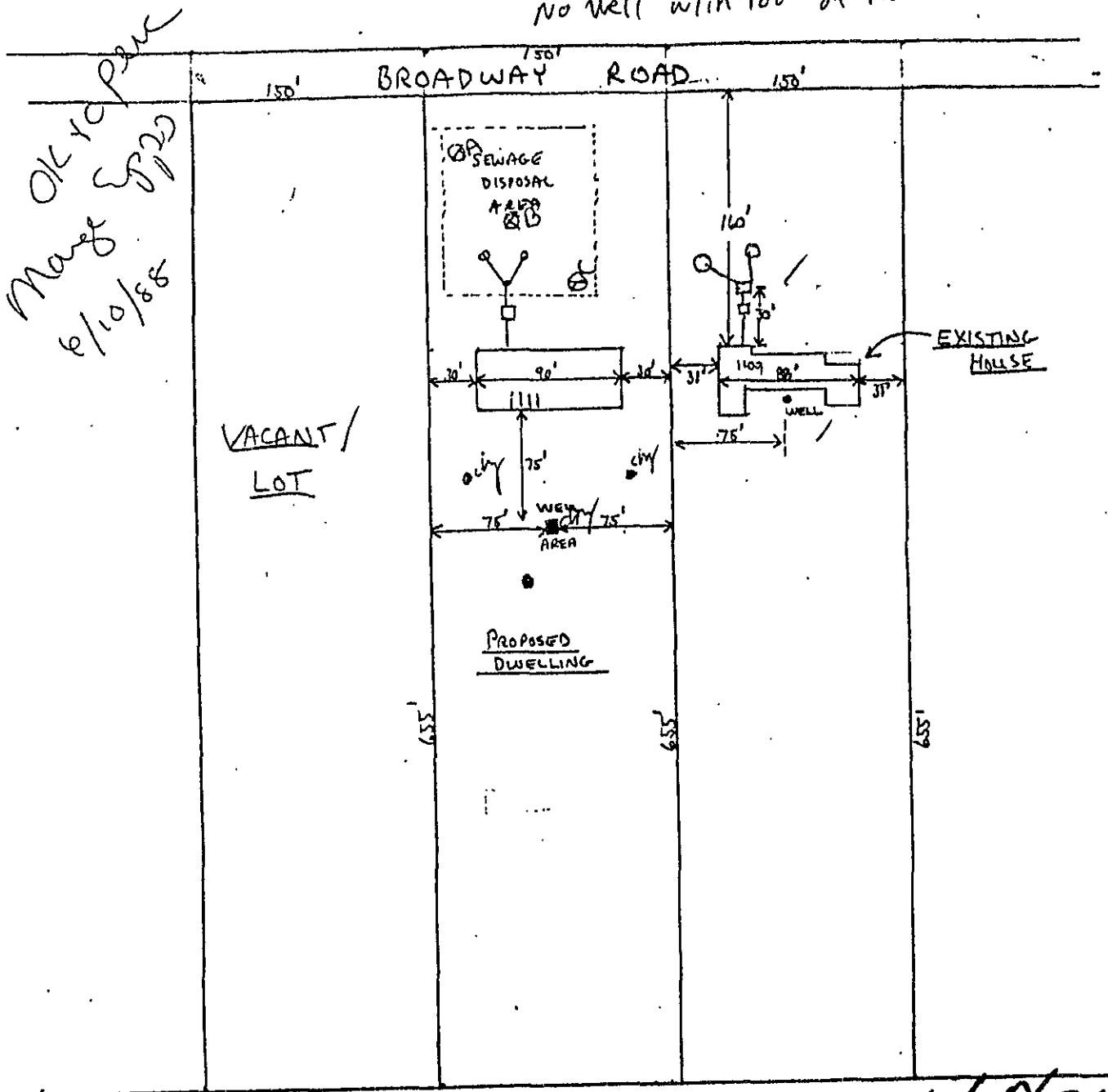
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It should be noted, there is an area designated on the site plan for the sewage disposal system and expansion thereof. Under no circumstances shall any permanent structures above or below ground, be permitted within this area. Also, no underground electric lines, water pipes, gas lines, etc., shall be permitted in the disposal system area.

MICROFILMED

PERMITTEE'S
EXHIBIT 35

NO WELL WITHIN 100' OF RD.



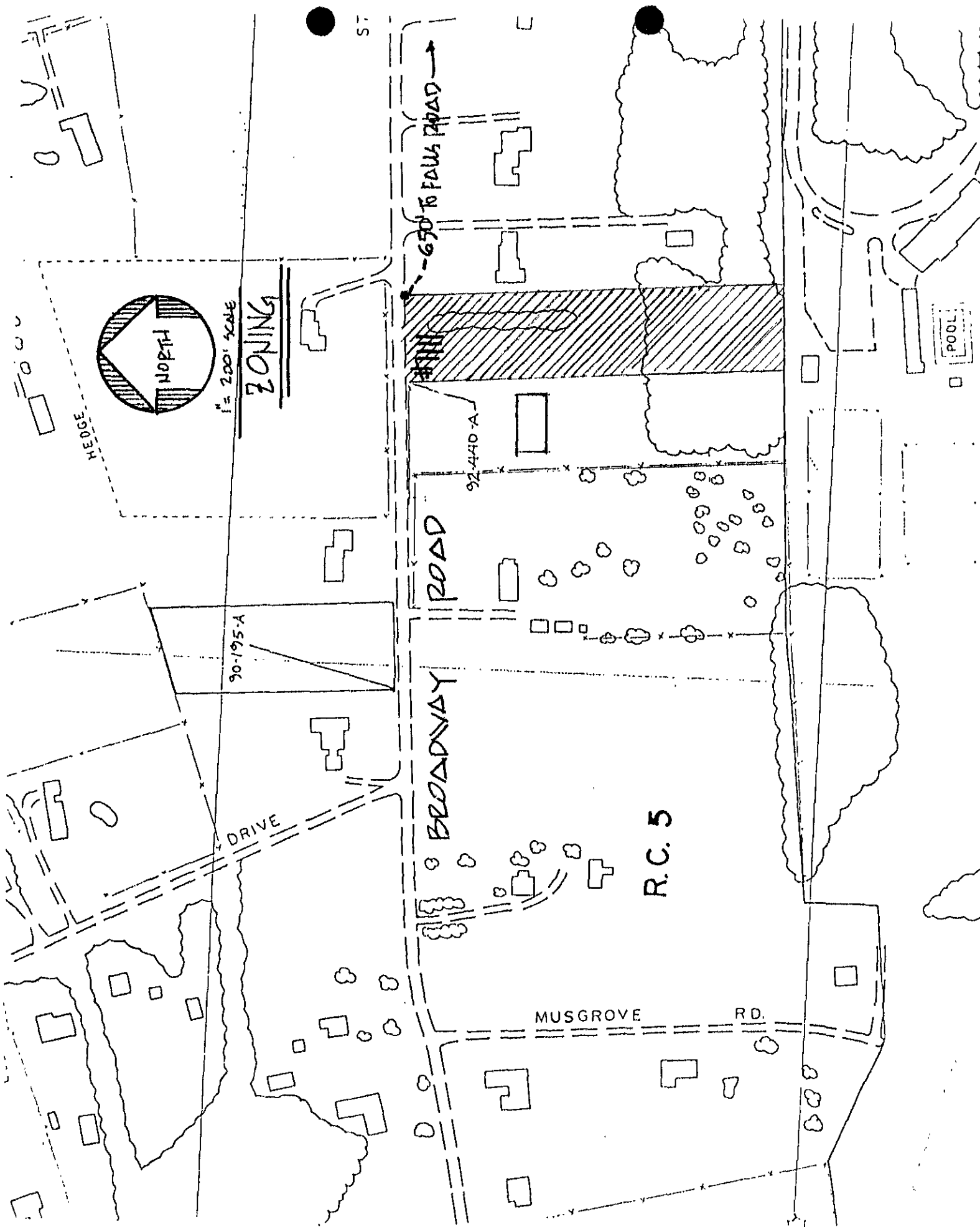
Approved Plot Plan
7/8/88
M. N. Smith

OWNERS

MR. & MRS. JOHN F. TRACEY
1109 BROADWAY RD.
TIMONIUM, MD. 21093
DISTRICT 8
BALTO. CO.

SCALE 1" = 100'

PETTERSON'S
EXHIBIT 3E





A. Present Witzel Home.



B. 1111 Broadway Road, S/S, W of Falls Rd.

RECEIVED
EX-101 2A

Case No. 95-129A.

Mr. & Mrs. James Witzel
1111 Broadway Rd.
25 Foot Side Yard
Request for Narrow
Lot.

2A

42

42



C, Looking North across Broadway from site



D. Looking NE across Broadway, from
Kuhiyda Property, subject site on right.

2007/04/19/10

EXHIBIT 2B

EXHIBIT 2B



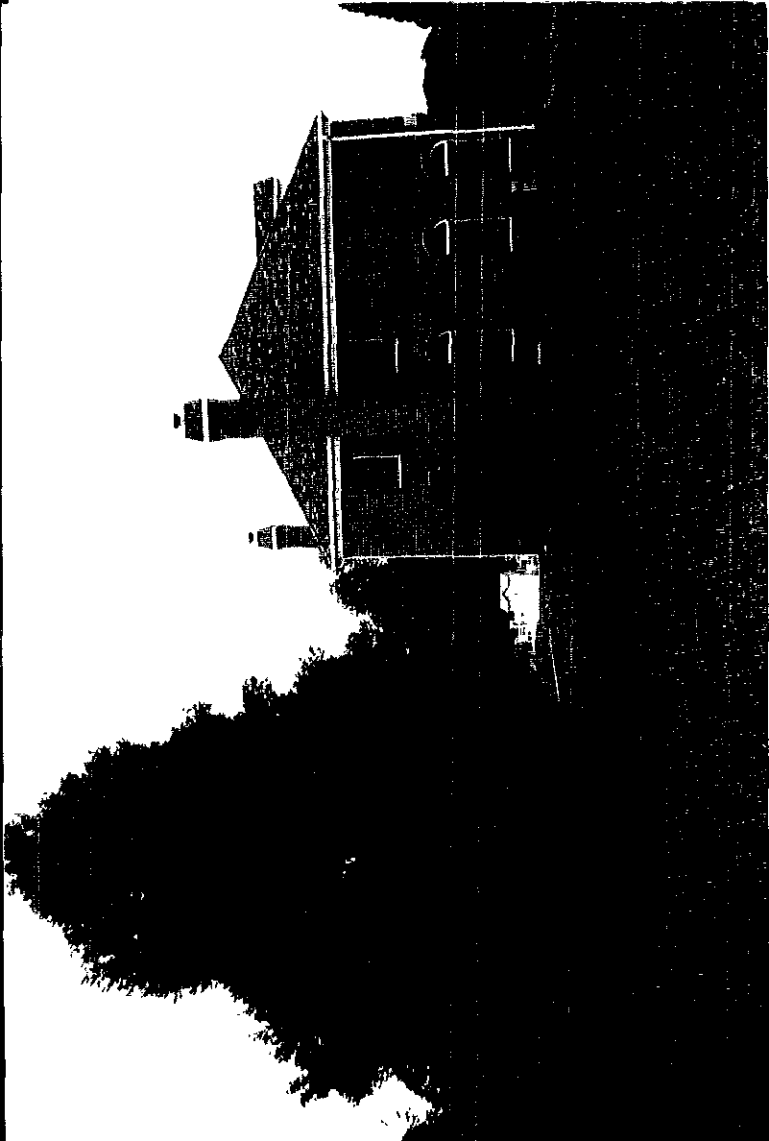
E. Existing large evergreens along E/5 of
1111 Broadway,
towards Tracey at 1109



F. Looking across 1111 towards Tracey at 1109

EX-1111

EX-1111 20



G. E/S of Kuhajda from 1111, subject site



H. 1211 Broadway, Kuhajda from subject site
on Broadway Rd. frontage.

RETIRED
EXHIBIT 2



I. Looking toward Broadway, north from
old lot area at 1111 Broadway Rd.



J. Looking S toward the area in rear of lot
at 1111 Broadway Rd.

EXHIBIT 2E

